

Applic. No.: 09/848,583
Amdt. Dated February 16, 2006
Reply to Office action of September 20, 2005

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-4 and 6-13 remain in the application. Claims 1 and 11-13 have been amended. Claim 5 has been cancelled.

In item 1 on pages 2-3 of the above-identified Office action, the drawings have been objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims.

More specifically, the Examiner has stated that the "electric cam disk" of claim 5, the "machine control unit" of claim 6, the "human-machine interface" of claim 7, and the "gather-stitcher" of claims 12 and 13 must be shown or the feature(s) cancelled from the claim(s).

Claim 5 has been cancelled. The "machine control unit" of claim 6 and the "human-machine interface" of claim 7 are shown in Fig. 5 with the reference numerals 17 and 18, respectively. Claims 12 and 13 have been rewritten into a combination form.

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In item 3 on pages 3-4 of the above-mentioned Office action, claims 1-7 and 10 have been rejected as being anticipated by Ito (US 4,922,773) under 35 U.S.C. § 102(b).

In item 5 on page 4 of the above-mentioned Office action, claims 8-9 have been rejected as being unpatentable over Ito in view of Cannon et al. (US 4,553,080) under 35 U.S.C. § 103(a).

In item 6 on page 5 of the above-mentioned Office action, claims 12-13 have been rejected as being unpatentable over Kleinberg et al. (US 2,922,171) in view of Ito under 35 U.S.C. § 103(a).

The rejections have been noted and claims 1 and 11-12 have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found on page 7, lines 25-26 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 12 call for, inter alia:

said first drive and said second drive being embodied as separate, mutually independent drives, and both of said drives being connected to one another via a control

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system for setting the course of motion of said transport device to the knife motion as a function of product format.

Claim 11 calls for, inter alia:

wherein the first drive and the second drive being embodied as separate, mutually independent drives, and both of the drives being connected to one another via a control system for setting the course of motion of the transport device to the knife motion as a function of product format.

Claims 1 and 11-12 of the instant application has been amended to emphasize that both of the drives are connected to one another via a control system for setting a course of motion of the transport device to a knife motion as a function of product format (see page 7, lines 25-26 of the specification). As a result, the product is transported gently, even at high speeds, to the front stops so that a higher cutting precision can be achieved (see page 8, lines 1-3 of the specification). Other advantages are described in detail on page 8 of the specification.

Ito discloses a three-side cutting apparatus. However, Ito does not disclose that both of the drives are connected to one another via a control system for setting a course of motion of the transport device to a knife motion as a function of product format.

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Claims 1 and 11-12 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 12, they are believed to be patentable as well.

With regard to the Examiner's request of an explanation of how the apparatus performs the stroke to move the blades in item 7 on pages 5-6 of the office action, it is noted that the explanation can be found in the paragraph bridging pages 10 and 11 of the specification.

In view of the foregoing, reconsideration and allowance of claims 1-4 and 6-13 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section 1.136(a) in the amount of \$450.00 in accordance with Section 1.17 is enclosed herewith.

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Please charge any fees which might be due with respect to 37
CFR Sections 1.16 and 1.17 to the Deposit Account of Lerner
and Greenberg, P.A., No. 12-1099.

Respectfully submitted,


For Applicants

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